

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

**ORDER AMENDING RULE 56 OF THE
SUPERIOR COURT RULES OF CIVIL PROCEDURE**

This 20th day of June, 2005, ***IT IS ORDERED*** that:

- (1) Superior Court Civil Rule 56. Summary judgment, is amended by adding the following section: “(h) Cross motions. Where the parties have filed cross motions for summary judgment and have not presented argument to the Court that there is an issue of fact material to the disposition of either motion, the Court shall deem the motions to be the equivalent of a stipulation for decision on the merits based on the record submitted with the motions.”
- (2) This amendment shall be effective July 1, 2005.
- (3) An original of this Order shall be filed with the Prothonotary for each county.